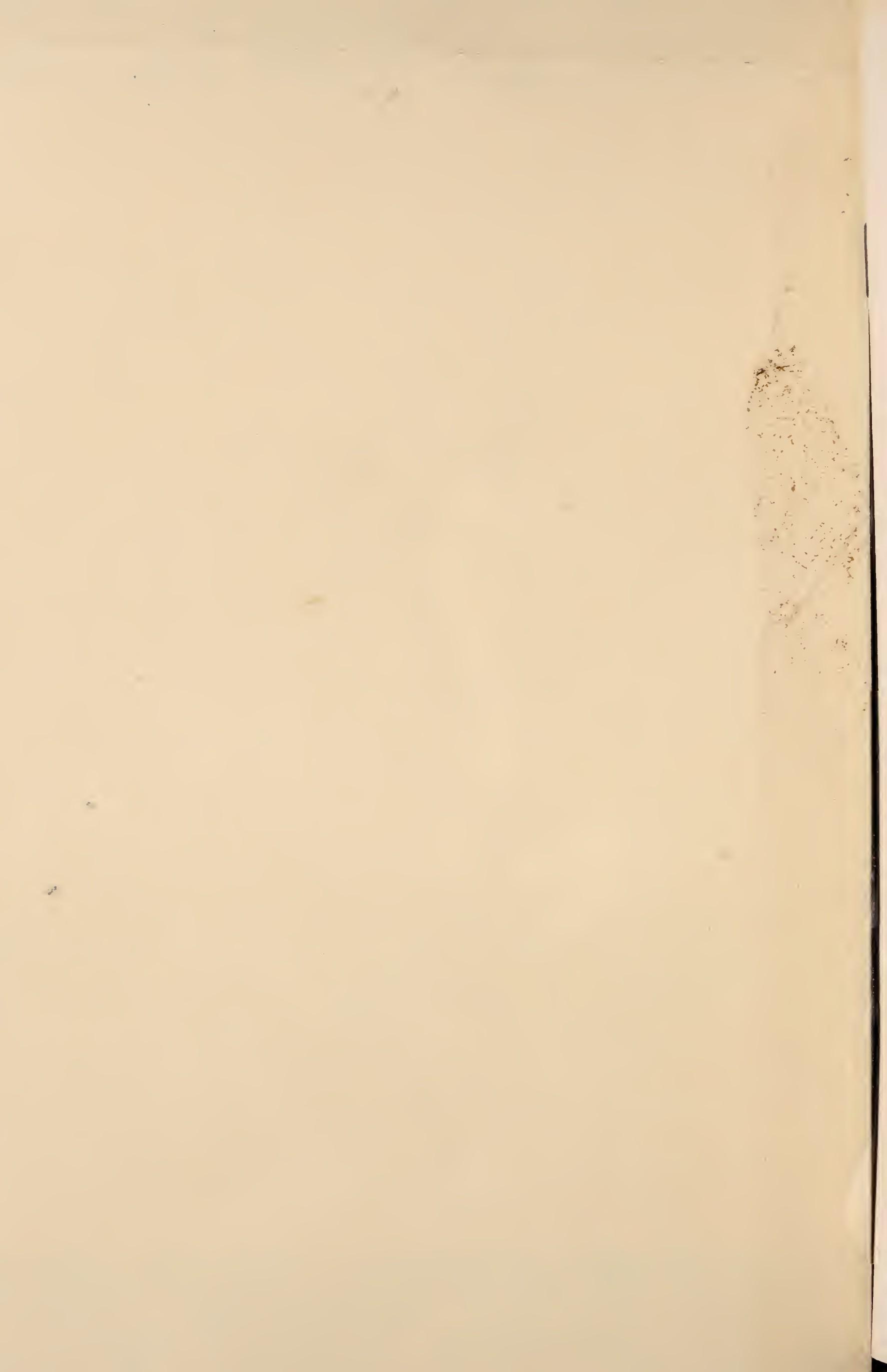


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United States Department of Agriculture

AGRICULTURAL MARKETING SERVICE
COTTON DIVISION

Service and Regulatory Announcement No. A.M.S. 174

**REGULATIONS OF THE DEPARTMENT OF AGRICULTURE
GOVERNING COTTONSEED SOLD OR OFFERED FOR SALE
FOR CRUSHING PURPOSES (INSPECTION, SAMPLING,
AND CERTIFICATION)**

(Title 7, Ch. I, Part 61, Sections 61.1-61.46 of the Code of Federal Regulations)

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DEFINITIONS

Sec. 61.1 Words in singular form. Words used in the regulations in this subpart in the singular form shall be deemed to import the plural, and vice-versa, as the case may demand.

Sec. 61.2 Terms defined. As used throughout the regulations in this part, unless the context otherwise requires, the following terms shall be construed, respectively to mean:

(a) The act. The applicable provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) or any other act of Congress conferring like authority.

(b) Regulations. Regulations mean the provisions in this sub-part.

(c) Department. The United States Department of Agriculture.

(d) Secretary. The Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(e) Service. The Agricultural Marketing Service of the United States Department of Agriculture.

(f) Administrator. The Administrator of the Agricultural Marketing Service, or any officer or employee of the Service, to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(g) Division. The Cotton Division of the Agricultural Marketing Service.

(h) Director. The Director of the Cotton Division, or any officer or employee of the Division to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(i) Custodian. Person who has possession or control of cotton-seed or of samples of cottonseed as agent, controller, broker, or factor, as the case may be.

(j) Owner. Persons who through financial interest owns or controls, or has the disposition of either cottonseed or of samples of cottonseed.

(k) Official cottonseed standards. The official standards of the United States for the grading, sampling, and analyzing of cotton-seed sold or offered for sale for crushing purposes.

(l) Supervisor of cottonseed inspection. An officer of the Division designated as such by the Director.

(m) License. A license issued under the act by the Secretary.

(n) Licensed cottonseed chemist. A person licensed under the act by the Secretary to make quantitative and qualitative chemical analyses of samples of cottonseed according to the methods prescribed by the Director and to certificate the grade according to the official cottonseed standards of the United States.

(o) Licensed cottonseed sampler. A person licensed by the Secretary to draw and to certificate the authenticity of samples of cottonseed in accordance with the regulations in this subpart.

(p) Dispute. A disagreement as to the true grade of a sample of cottonseed analyzed and graded by a licensed chemist.

(q) Party. A party to a dispute.

(r) Commercial laboratory. A chemical laboratory operated by an individual, firm, or corporation in which one or more persons are engaged in the chemical analysis of materials for the public.

(s) Cottonseed. The word "cottonseed" as used in this part means the seed, after having been put through the usual and customary process known as cotton ginning, of any cotton produced within the continental United States.

(t) Lot. That parcel or quantity of cottonseed offered for sale or tendered for delivery or delivered on a sale or contract of sale, in freight cars, trucks, wagons, or otherwise in the quantities and within the time limits prescribed from time to time by the Director for the drawing and preparation of official samples by licensed cottonseed samplers.

(u) Official sample. A specimen of cottonseed drawn and prepared by a licensed cottonseed sampler and certified by him as representative of a certain identified lot, in accordance with the regulations in this subpart.

Sec. 61.2a Designation of official certificates, memoranda, marks, other identifications, and devices for purpose of the Agricultural Marketing Act. Subsection 203 (h) of the Agricultural Marketing Act of 1946, as amended by Public Law 272, 84th Congress, provides criminal penalties for various specified offenses relating to official certificates, memoranda, marks, or other identifications, and devices for making such marks or identifications, issued or authorized under section 203 of said act, and certain misrepresentations concerning the inspection or grading of agricultural products under said section. For the purposes of said subsection and the provisions in this part, the terms listed below shall have the respective meanings specified:

(a) "Official certificate" means any form of certification, either written or printed, used under this part to certify with respect to the inspection, sampling, class, grade, quality, quantity, or condition of products (including the compliance of products with applicable specifications).

(b) "Official memorandum" means any initial record of findings made by an authorized person in the process of grading, inspecting, or sampling, pursuant to this part, any processing or plant-operation report made by an authorized person in connection with grading, inspecting, or sampling under this part, and any report made by an authorized person of services performed pursuant to this part.

(c) "Official mark" means the grade mark, inspection mark, and any other mark, approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product, stating that the product was graded or inspected or both, or indicating the appropriate U. S. grade or condition of the product, or for the purpose of maintaining the identity of products graded or inspected or both under this part.

(d) "Official identification" means any United States (U. S.) standard designation of class, grade, quality, quantity, or condition specified in this part, or any symbol, stamp, label, or seal indicating that the product has been officially graded or inspected and/or indicating the class, grade, quality, quantity, or condition of the product, approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product.

(e) "Official device" means a stamping appliance, branding device, stencil, printed label, or any other mechanically or manually operated tool that is approved by the Administrator for the purpose of applying any official mark or other identification to any product or the packaging material thereof.

ADMINISTRATIVE AND GENERAL

Sec. 61.3 Director. The Director shall perform for and under the supervision of the Secretary and the Administrator, such duties as the Secretary or the Administrator may require in enforcing the provisions of the act and the regulations.

Sec. 61.4 Supervisor of cottonseed inspection. The Director, whenever he deems necessary, may designate an officer of the Division as supervisor of cottonseed inspection who shall supervise the inspection and sampling of cottonseed and perform such other duties as may be required of him in administering the act and the regulations.

Sec. 61.5 Regulations to govern. The inspection, sampling, analyzing, and grading of cottonseed in the United States pursuant to the act shall be performed as prescribed in methods approved from time to time by the Director.

Sec. 61.6 Denial of further services. Any person, partnership, or corporation that shall have undertaken to utilize the services of licensed cottonseed samplers and licensed cottonseed chemists under these regulations who shall not make available for official sampling and analysis each lot of cottonseed purchased or sold on grade and received by such person or partnership or corporation, may be denied further services under the act and these regulations: Provided, That in cases of persons, partnerships, or corporations operating two or more cottonseed crushing units under separate local managements, such penalty shall apply only to the offending unit, unless it shall be shown that the actions of such unit were at the direction or with the knowledge, approval, or acquiescence of the general management.

Sec. 61.7 Misrepresentation. Any wilful misrepresentation or any deceptive or fraudulent practice made or committed by an applicant for a cottonseed sampler's certificate or for a cottonseed chemist's certificate or for an appeal grade certificate in connection with the sampling or grading of cottonseed by persons licensed under the act and the regulations or the issuance or use of a certificate not issued by a person licensed under the regulations in imitation of or that might mislead anyone to believe that such certificate was in fact issued by a person licensed under the act, or that might be otherwise false, misleading, or deceptive, may be deemed sufficient cause for debarring such applicant from any further benefits of the act.

Sec. 61.8 Application for review. In case of dispute in which a review is desired of the grading of any sample of cottonseed covered by a valid certificate issued by a licensed cottonseed chemist, application therefor shall be filed with or mailed to a supervisor of cottonseed inspection within ten days after the date of the original certificate, whereupon the licensed chemist issuing the certificate shall immediately surrender to such supervisor the retained portion of the original sample, together with such records as may be required, for the determination of the true grade. The supervisor shall assign to such retained portion an identification number, shall divide such retained portion into two parts and submit the parts to two other licensed cottonseed chemists for reanalysis. Should the supervisor determine that such reanalyses indicate a grade differing from the original by not more than plus or minus one full grade, the original grade shall be considered the true grade. Should he find that such reanalyses indicate a grade differ-

ing more than plus or minus one full grade from the original, he shall determine the true grade. In any case, the supervisor shall issue over his name an appeal cottonseed grade certificate showing the true grade as determined in accordance with this section, which shall supersede the licensed chemists' certificates relating to the grade of such seed. Where due solely to errors in calculation or clerical error a grade certificated by a licensed cottonseed chemist is not the true grade, the supervisor shall direct the licensee to cancel the original and to issue a correct certificate. Should such error be found after an application for review has been filed, the supervisor shall nevertheless issue an appeal cottonseed grade certificate showing the true grade of the cottonseed involved.

Sec. 61.9 Cost of review. In cases of review of the grade of any official sample of cottonseed, payment covering the costs of re-analysis shall accompany the application.

LICENSED COTTONSEED CHEMISTS

Sec. 61.10 Application for license as cottonseed chemist; form. (a) Application for licenses to analyze and grade cottonseed shall be made to the Director on forms furnished for the purpose by the Division.

(b) Each such application shall be in English, shall be signed by the applicant, and shall contain or be accompanied by satisfactory evidence (1) that he has passed his twenty-fifth birthday and that he is an actual resident of the continental United States; (2) that he holds a degree in chemistry or chemical engineering from a recognized college or university and has had not less than three years' practical experience in laboratory work in which he shall have analyzed quantitatively and qualitatively samples of cottonseed; or in the absence of a degree from a recognized college or university, that he has had at least five years' practical laboratory experience, three years of which shall have been devoted chiefly to the analysis of samples of cottonseed; (3) that he will have no financial interest in any cottonseed oil mill or cotton ginning establishment; (4) that he agrees to comply with and abide by the terms of the act and these regulations so far as they may relate to him; (5) that he is an independent analytical chemist or an employee of a commercial analytical laboratory; (6) that he owns or will have the use of all of the apparatus specified in the methods established hereunder for the analysis and grading of cottonseed; and (7) such other information as the Director may deem necessary.

(c) Every chemist licensed hereunder to analyze cottonseed and to certificate the grade thereof shall follow precisely the methods of analysis approved from time to time by the Director.

(d) The applicant shall furnish such additional information as the Director shall at any time find to be necessary to the consideration of his application.

Sec. 61.11 Examination of applicant. Each applicant for a license as a chemist and each licensed chemist shall when requested submit to an examination or test to show his ability to analyze and grade cottonseed. His failure to pass such test may be considered sufficient ground for withholding the issuance to him of a license or of a renewal of a license.

Sec. 61.12 Period of license; renewals. The period for which a license may be issued shall be from the first day of August until and including the 31st day of July following. Renewals shall be for

not more than 1 year beginning with the first day of August of each year, provided that licenses issued on and after June 1 of any year shall be for the period ending on July 31 of the following year.

Sec. 61.13 Conditions in licensing. It shall be a condition of the licensing of any person, and of the retention by him of a license, that during the active cotton season each year he shall be engaged in or in connection with the grading of cottonseed; that all cottonseed offered for grading shall be analyzed and graded in accordance with the official cottonseed standards of the United States; that each sample of cottonseed received for analysis and grading shall be handled in the order of its receipt at his place of business; and that such license shall not be used or be allowed to be used for any improper purpose.

Sec. 61.14 Fees for grading and certification. Whenever any licensed chemist shall grade and/or certificate any cottonseed or samples in consideration of a fee, the fee charged shall be reasonable, unconditional, non-discriminatory, and shall be in accordance with a schedule previously submitted to and approved by the Division. The schedule shall include the certificate fee provided for in sec. 61.45.

Sec. 61.15 Records of analyses; inspection of records. Each licensed chemist, shall keep, or shall cause to be kept for him, for a period of at least 1 year after date of analysis, a record of the analysis of each individual sample of cottonseed graded by him. Each licensed chemist shall permit any authorized officer or agent of the Department to inspect or examine, on any business day during the usual hours of business, his books and records relating to analyses of cottonseed samples and issuance of cottonseed grade certificates under the act and the regulations in this subpart.

Sec. 61.16 Official and unofficial samples; analyses; certificate. (a) Each licensed cottonseed chemist shall assign a laboratory number to each sample of cottonseed received by him and shall analyze and certificate over his signature the grade of each sample or lot of cottonseed in the order in which the sample is received.

(b) Each such sample which is in proper condition for analysis under these regulations and which is accompanied by the certificate of a licensed cottonseed sampler certifying it to be an official sample representing an identified lot of cottonseed shall be considered an official sample. In any case where the original sample is lost or destroyed before analysis, the duplicate thereof retained by the licensed cottonseed sampler as provided in sec. 61.34 shall become the official sample. Each licensed chemist shall retain for at least two weeks a portion of each official sample first analyzed; and in any case where a review is requested under sec. 61.8 such retained portion shall be considered an official sample for purposes of review analysis.

(c) Each such sample which is (1) not in proper condition for analysis as an official sample under these regulations, or (2) not accompanied by a certificate of a licensed cottonseed sampler, or (3) known to be a duplicate of an official sample (except duplicates of lost or destroyed official samples) shall be considered an unofficial sample and the licensed cottonseed chemist's certificate of the grade thereof shall be plainly marked: "Sample not official; grade applies to sample only." This paragraph shall not apply to mill control or crush samples.

Sec. 61.17 Grade certificate; form. Each grade certificate issued under the act by a licensed chemist shall be in a form approved for the purpose by the Director and shall embody within its written or printed terms:

- (a) The caption "Cottonseed Grade Certificate."
- (b) The serial number assigned to it.
- (c) The date and place of issuance.
- (d) A statement certifying that the analysis of the cottonseed sample was made according to the methods approved by the Director of the Cotton Division and that the grade given is according to the official standards of the United States.
- (e) A statement of the condition of the lot of cottonseed as reported by the sampler, and in cases where the sample was submitted by a licensed sampler, the name and license number of the sampler.
- (f) The identification of each lot of cottonseed by the marks and notations by which the seed was identified at the time the sample was taken, and the origin of the cottonseed by county and state.
- (g) All analytical data required by the Director.
- (h) The signature of the licensed chemist.

In addition, the grade certificate may include any other matter not inconsistent with the act or the regulations in this part. Two copies of the grade certificate form shall be submitted to and approved by the Division before use by a licensed chemist. A copy of each certificate shall be mailed to a designated office of the Division within 36 hours after its issuance.

Sec. 61.18 Reports of licensed chemists. Each licensed chemist shall from time to time when requested by the Director, make reports on forms furnished for the purpose by the Division bearing upon his activities as such licensed chemist.

Sec. 61.19 Information of violations. Every person licensed under the act shall immediately furnish the Director any information which comes to the knowledge of such person tending to show that any provision of the act or the regulations has been violated.

Sec. 61.20 Licensed chemists; suspension of license. The Director may, without a hearing, suspend or revoke the license issued to a licensed chemist upon written request and a satisfactory statement of reasons therefor submitted by such licensed chemist. Pending final action by the Secretary, the Director may, whenever he deems such action necessary, suspend the license of any licensed chemist when such licensed chemist (a) has ceased to perform services as such chemist, (b) has knowingly or carelessly analyzed cottonseed improperly, (c) has violated or evaded any provision of the act or the regulations thereunder so far as the same may relate to him, (d) has used his license or allowed it to be used for any fraudulent or improper purposes, or (e) has in any manner become incompetent or incapacitated to perform the duties of a licensed chemist. In such cases the Director shall give notice of the suspension to the licensed chemist, accompanied by a statement of the reasons therefor. Within 10 days after the receipt of the aforesaid notice and statement of reasons by such licensee, he may file an appeal, in writing, with the Secretary, supported by any argument or evidence that he may wish to offer as to why his license should not be suspended or revoked. After the expiration of the aforesaid 10-day period and consideration of such argument and evidence, the Secretary will take such action as he deems appropriate with respect to such suspension or revocation. When no

appeal is filed within the prescribed 10 days, the license shall be automatically revoked.

Sec. 61.21 Suspended license to be returned to Division. If a license issued to a licensed chemist is suspended, revoked, or canceled, such license shall be returned to the Division. At the expiration of any period of suspension of such license, unless in the meantime it be revoked or canceled, the dates of the beginning and termination of the suspension shall be indorsed thereon, and it shall be returned to the licensed chemist to whom it was originally issued.

Sec. 61.22 Duplicate license. Upon satisfactory proof of the loss or destruction of a license issued to a licensed chemist, a duplicate thereof may be issued under the same or a new number.

Sec. 61.23 Unlicensed persons must not represent themselves as licensed. No person shall in any way represent himself to be a chemist licensed under the act unless he holds an unsuspended, unrevoked, and uncanceled license issued under the act.

Sec. 61.24 Information on grading to be kept confidential. Every person licensed under the act as a licensed chemist shall keep confidential all information secured by him relative to cottonseed analyzed and graded by him. He shall not disclose such information to any person except to the owner or custodian of the seed in question, or to an authorized agent of the Department.

LICENSED COTTONSEED SAMPLERS

Sec. 61.25 Application for license as sampler; form. (a) Applications for licenses to sample cottonseed shall be made to the Director on forms furnished for the purpose by him.

(b) Each such application shall be in English, shall be signed by the applicant, and shall contain or be accompanied by (1) satisfactory evidence that he is an actual resident of the United States, (2) satisfactory evidence of his experience in the handling and sampling of cottonseed, (3) a statement by the applicant that he agrees to comply with and abide by the terms of the act and these regulations so far as they relate to him, and with instructions issued from time to time governing the sampling of cottonseed, and (4) such other information as may be required.

Sec. 61.26 Bonds of licensed samplers. (a) Each applicant for a license to sample cottonseed shall, as a condition to the granting thereof, execute and file with the Director a good and sufficient bond to the United States to secure the faithful performance of his duties as a licensed sampler under the terms of the act and the regulations in this part. Said bond shall be in such form and amount, not less than \$1,000, and shall have such surety or sureties as shall be approved by the Department, subject to service of process in suits on the bond within the State, district, or territory, in which such licensee shall perform services as a licensed cottonseed sampler. Any person injured by the breach of any obligation to secure which a bond is given under this paragraph shall be entitled to sue on the bond in his own name in any court of competent jurisdiction to recover the damages he may have sustained by such breach.

(b) If the Director finds that conditions warrant such action, there shall be added to the amount previously required under paragraph (a) of this section such additional amount as he shall deem necessary.

Sec. 61.27 Period of license; renewals. The period for which a license may be issued under the regulations in secs. 61.25 through 61.42 shall be from the first day of August until and including the 31st day of July following. Renewals shall be for 1 year, beginning with the first day of August of each year: Provided, That licenses or renewals issued on and after June 1 of any year shall be for the period ending July 31 of the following year.

Sec. 61.28 Renewal of license; bond. It shall be a condition of the renewal of any license hereunder that the licensed sampler shall file a new bond in the required amount with, and that such bond shall be approved by, the Director or his authorized representative: Provided, That in the discretion of the Director or his authorized representative a properly executed instrument in form approved by him amending, extending, or continuing in force and effect the obligations of a valid bond previously filed by the licensed sampler and otherwise complying with the regulations in secs. 61.25 through 61.42 may be filed in lieu of a new bond.

Sec. 61.29 Approval of bond. No bond, amendment, or continuation thereof shall be deemed accepted for the purpose of the regulations in secs. 61.25 through 61.42 until it has been approved by the Director or his authorized representative.

Sec. 61.30 Examination of sampler. Each applicant for a license as a sampler and each licensed sampler whenever requested by an authorized representative of the Director, shall submit to an examination or test to show his ability properly to perform the duties for which he is applying for a license or for which he has been licensed, and each such applicant or licensee shall furnish the Division any information requested at any time in regard to his sampling of cottonseed.

Sec. 61.31 License must be posted. Each licensed sampler shall keep his license conspicuously posted at the place where he functions as a sampler or in such other place as may be approved by the Director.

Sec. 61.32 No discrimination in sampling. Each licensed sampler, when requested, shall without discrimination, as soon as practicable and upon reasonable terms, sample any cottonseed if the same be made available to him at his place of business, under conditions that will permit proper sampling. Each such licensee shall give preference to those who request his services as such over persons who request his services in any other capacity.

Sec. 61.33 Equipment of sampler; contents of certificate. Each licensed sampler shall have available suitable triers or sampling tools, sample containers, scales, seed cleaners, seed mixers, and air-tight containers for enclosing and forwarding the official samples to licensed chemist, and with tags and samplers' certificates approved or furnished by the Director or his representative for identifying the samples of cottonseed and for certificating the condition of the cottonseed represented by such samples. There shall be clearly written or printed on the face of such certificate (a) a suitable caption; (b) the location of the cottonseed involved and its point of origin; (c) the identification of the lot from which the sample was drawn; (d) the date on which the sample was drawn; (e) the gross weight of the original sample, and the net weight of the cleaned sample; (f) a statement indicating that the sample was drawn in accordance with sampling methods prescribed by the Director of the Cotton Division; and (g) the signature of the licensed sampler as such. The use of such tags and

certificates shall be in conformity with instructions issued from time to time by the Division.

Sec. 61.34 Drawing and preparation of sample. Each licensed cottonseed sampler shall draw, prepare, and identify one official sample of cottonseed and a duplicate thereof from each lot made available to him in such manner as may be required by the Director, and shall promptly prepare it for forwarding to a licensed cottonseed chemist for analysis and grading. The duplicate shall be sealed and retained by the sampler until the original official sample shall have been analyzed by a licensed chemist. If the original official sample shall become lost or destroyed before having been analyzed the duplicate shall become the official sample; otherwise the licensed sampler shall immediately remove the identification marks from the duplicate and discard it. In no case shall the duplicate be offered for analysis unless the original shall have been lost or destroyed before analysis.

Sec. 61.35 Inspection of records of sampler. Each licensed sampler shall permit any authorized representative of the Department to inspect at any time his books and records relating to the performance of his duties under secs. 61.25 through 61.42.

Sec. 61.36 Cause for suspension or revocation. The failure or refusal of any cottonseed sampler, duly licensed as such under the regulations in this subpart, to draw, prepare, identify, and to forward an official sample of every lot of cottonseed made available to him for the purpose, in accordance with these regulations, shall be cause for the suspension or revocation of his license. A sampler's license may also be suspended when the sampler (a) has ceased to perform services as a licensed cottonseed sampler, (b) has knowingly or carelessly sampled cottonseed improperly, (c) has violated or evaded any provision of the act, these regulations, or the sampling methods prescribed by the Director, (d) has used his license or allowed it to be used for any fraudulent or improper purposes, or (e) has in any manner become incompetent or incapacitated to perform the duties of a licensed sampler.

Sec. 61.37 License may be suspended. The Director may, without a hearing, suspend or revoke the license issued to a licensed sampler upon written request and a satisfactory statement of reasons therefor submitted by such licensed sampler. Pending final action by the Secretary, the Director may, whenever he deems such action necessary, suspend the license of any licensed sampler by giving notice of such suspension to the licensee, accompanied by a statement of the reasons therefor. Within 10 days after the receipt of the aforesaid notice and statement of reasons by such licensee, he may file an appeal, in writing, with the Secretary, supported by any argument or evidence that he may wish to offer as to why his license should not be suspended or revoked. After the expiration of the aforesaid 10-day period and consideration of such argument and evidence, the Secretary will take such action as he deems appropriate with respect to such suspension or revocation. When no appeal is filed within the prescribed 10 days, the license shall be automatically revoked.

Sec. 61.38 Suspended license to be returned to Division. In case a license issued to a sampler is suspended or revoked such license shall be returned to the Division. At the expiration of any period of suspension of such license, unless in the meantime it be revoked, the dates of beginning and termination of such suspension shall be endorsed thereon, it shall be returned to the person to

whom it was originally issued, and it shall be posted as prescribed in sec. 61.31.

Sec. 61.39 Duplicate license. Upon satisfactory proof of the loss or destruction of a license issued to a sampler hereunder, a new license may be issued under the same or a new number.

Sec. 61.40 Reports of licensed samplers. Each licensed sampler, when requested, shall make reports on forms furnished for the purpose by the Division bearing upon his activity as such licensee.

Sec. 61.41 Unlicensed persons must not represent themselves as licensed samplers. No person shall in any way represent himself to be a sampler licensed under the act unless he holds an unsuspended and unrevoked license issued thereunder.

Sec. 61.42 Information on sampling to be kept confidential. Every person licensed under the act as a sampler of cottonseed shall keep confidential all information secured by him relative to shipments of cottonseed sampled by him. He shall not disclose such information to any person except an authorized representative of the Department.

FEES AND COSTS

Sec. 61.43 Fees and costs. For the examination of an applicant for a license to sample and certificate official samples of cottonseed the fee shall be \$5.00, but no additional charge shall be made for the issuance of a license. For each renewal of a sampler's license the fee shall be \$3.00.

Sec. 61.44 Fees for examination for license as chemist. For the examination of an applicant for a license as a chemist to analyze and certificate the grade of cottonseed the fee shall be \$50.00, but no additional charge shall be made for the issuance of a license. For each renewal of a chemist's license the fee shall be \$30.00.

Sec. 61.45 Fees for certificates to be paid by licensee to Service. To cover in part the cost of administering the regulations in this part each licensed cottonseed chemist shall pay to the Service 25 cents for each certificate of the grade of cottonseed issued by him. Upon receipt of a statement from the Service each month showing the number of certificates issued by the licensee, such licensee will forward the appropriate remittance in the form of a check, draft, or money order payable to the "Agricultural Marketing Service, USDA."

Sec. 61.46 Fees for review of grading of cottonseed. For the review of the grading of any lot of cottonseed, the fee shall be \$9.00. Remittance to cover such fee, in the form of a check, draft, or money order payable to the "Agricultural Marketing Service, USDA," shall accompany each application for review. Of each such fee collected, \$1.00 shall be covered into the Treasury and \$4.00 disbursed to each of the two licensed chemists designated to make reanalyses of such seed.

PROVISIONS OF THE AGRICULTURAL MARKETING ACT OF 1946, AS AMENDED

The cottonseed sampling and grading program is conducted pursuant to authority contained in the Agricultural Marketing Act of 1946, as amended. Pertinent provisions of this Act as contained in the United States Code are quoted below.

7 U.S.C. 1622. Duties of Secretary relating to agricultural products.

The Secretary of Agriculture is directed and authorized:

* * * * *

Inspection and certification of products in interstate commerce; certificates as evidence; penalties

(h) To inspect, certify, and identify the class, quality, quantity, and condition of agricultural products when shipped or received in interstate commerce, under such rules and regulations as the Secretary of Agriculture may prescribe, including assessment and collection of such fees as will be reasonable and as nearly as may be to cover the cost of the service rendered, to the end that agricultural products may be marketed to the best advantage, that trading may be facilitated, and that consumers may be able to obtain the quality product which they desire, except that no person shall be required to use the service authorized by this subsection. Any official certificate issued under the authority of this subsection shall be received by all officers and all courts of the United States as *prima facie* evidence of the truth of the statements therein contained. Whoever knowingly shall falsely make, issue, alter, forge, or counterfeit any official certificate, memorandum, mark, or other identification, or device for making such mark or identification, with respect to inspection, class, grade, quality, size, quantity, or condition, issued or authorized under this section or knowingly cause or procure, or aid, assist in, or be a party to, such false making, issuing, altering, forging, or counterfeiting, or whoever knowingly shall possess, without promptly notifying the Secretary of Agriculture or his representative, utter, publish, or use as true, or cause to be uttered, published, or used as true, any such falsely made, altered, forged, or counterfeited official certificate, memorandum, mark, identification, or device, or whoever knowingly represents that an agricultural product has been officially inspected or graded (by an authorized inspector or grader) under the authority of this section when such commodity has in fact not been so graded or inspected shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(Aug. 14, 1946, C.966 Title II, sec. 203, 60 Stat. 1087, as amended Aug. 9, 1955, C.632 sec. 1, 69 Stat. 553)

7 U.S.C. 1624. Cooperation with Government and State agencies, private research organizations, etc.; rules and regulations.

(a) In carrying out the provisions of this chapter, the Secretary of Agriculture may cooperate with other branches of the Government, State agencies, private research organizations, purchasing and consuming organizations, boards of trade, chambers of commerce, other associations of business or trade organizations, transportation and storage agencies and organizations, or other persons or corporations engaged in the production, transportation, storing, processing, marketing, and distribution of agricultural products whether operating in one or more jurisdictions. The Secretary of Agriculture shall have authority to enter into contracts and agreements under the terms of regulations promulgated by him with States and agencies of States, private firms, institutions, and

individuals for the purpose of conducting research and service work, making and compiling reports and surveys, and carrying out other functions relating thereto when in his judgment the services or functions to be performed will be carried out more effectively, more rapidly, or at less cost than if performed by the Department of Agriculture. Contracts under this section may be made for work to be performed within a period not more than four years from the date of any such contract, and advance, progress, or other payments may be made. The provisions of section 529 of Title 31 and section 5 of Title 41 shall not be applicable to contracts or agreements made under the authority of this section. Any unexpended balances of appropriations obligated by contracts as authorized by this section may, notwithstanding the provisions of section 713 of Title 31, remain upon the books of the Treasury for not more than five fiscal years before being carried to the surplus fund and covered into the Treasury. Any contract made pursuant to this section shall contain requirements making the result of such research and investigations available to the public by such means as the Secretary of Agriculture shall determine.

(b) The Secretary of Agriculture shall promulgate such orders, rules, and regulations as he deems necessary to carry out the provisions of this chapter.

(Aug. 14, 1946, c. 966, Title II, sec. 205, 60 Stat. 1090, as amended Aug. 30, 1954, c. 1076, sec. 1 (7), 68 Stat. 966)

M 345

S.R.A. - A.M.S. 174
Revised April 1958

AMENDMENT SHEET 1
ISSUED NOVEMBER 1958

UNITED STATES DEPARTMENT OF AGRICULTURE
Agricultural Marketing Service
. Cotton Division

Service and Regulatory Announcement No. A.M.S. 174

REGULATIONS OF THE DEPARTMENT OF AGRICULTURE
GOVERNING COTTONSEED SOLD OR OFFERED FOR SALE
FOR CRUSHING PURPOSES (INSPECTION, SAMPLING,
AND CERTIFICATION)

Effective July 1, 1958, the following amendments were made to the regulations contained in S.R.A. - A.M.S. 174:

1. Section 61.43 was amended to read as follows:

§ 61.43 Fee for sampler's license. For the examination of an applicant for a license to sample and certificate official samples of cottonseed the fee shall be \$7.50, but no additional charge shall be made for the issuance of a license. For each renewal of a sampler's license the fee shall be \$5.00.

2. Section 61.44 was amended to read as follows:

§ 61.44 Fee for chemist's license. For the examination of an applicant for a license as a chemist to analyze and certificate the grade of cottonseed the fee shall be \$100.00, but no additional charge shall be made for the issuance of a license. For each renewal of a chemist's license the fee shall be \$30.00.

3. In Section 61.45 the fee of 25 cents was changed to 30 cents.



GPO 866958

